

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LARRY LAWRENCE	:	CIVIL ACTION
	:	
v.	:	
	:	
THOMAS H. HOGAN, et al.	:	NO. 04-1647

ORDER

AND NOW, this 2nd day of June, 2005, whereas the Petition for Writ of Habeas Corpus attacks both the petitioner's state court conviction and his deportation proceedings; whereas United States Magistrate Judge Jacob P. Hart issued a Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be denied in part and transferred in part; whereas Judge Hart recommended that the petition be denied to the extent the petition attacks the state court conviction and to the extent the petition attacks his deportation proceedings, the petition be transferred to the United States District Court for the Middle District of Pennsylvania; whereas on January 6, 2005, the Court issued an order in which it agreed with the defendants that this was the appropriate court to adjudicate the immigration issues; whereas the Court thereafter appointed Mr. Steven Morley to represent the petitioner on the immigration part of the petition; whereas the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005), which became effective with

the President's signature on May 11, 2005, and, inter alia, amended the Judicial Review provisions of Section 242 of the Immigration and Nationality Act, 8 U.S.C. § 1252, to provide that courts of appeal "shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of" the Immigration and Nationality Act, see § 106(a)(1)(B), and providing that for any action currently ("challenging a final administrative order of removal, deportation, or exclusion . . . in a district court on the date of the enactment of this division . . . the district court shall transfer the case . . . to the court of appeals for the circuit in which a petition for review could have been properly filed," see § 106(c); and, whereas the parties agree that the immigration claim should be transferred to the United States Court of Appeals for the Third Circuit, IT IS HEREBY ORDERED that the Report and Recommendation of Judge Hart is approved and adopted with respect to the petitioner's attack on his conviction. The Court has already rejected the Report and Recommendation with respect to the jurisdiction of this Court to consider the immigration issues. IT IS FURTHER ORDERED that this case is transferred to the United States Court of Appeals for the Third Circuit.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.